

HOUSE BILL 431

C5

1r1884
CF SB 402

By: **Delegates Love, Barnes, Beidle, Costa, George, Kipke, Pena–Melnyk, and Sophocleus**

Introduced and read first time: February 4, 2011

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 5, 2011

CHAPTER _____

1 AN ACT concerning

2 **Motor Carrier Companies – Local Public Transportation Systems –**
3 **Exemption from Motor Carrier Permit Requirement**

4 FOR the purpose of providing that a motor carrier permit is not required for a local
5 public transportation system established under a law enacted by the local
6 governing body of a county or municipal corporation; providing that a motor
7 carrier permit is not required for a motor vehicle used by a privately owned
8 transportation company exclusively to provide transportation system services
9 under a certain contract; requiring a certain privately owned transportation
10 company to obtain a motor carrier permit for certain motor vehicles under
11 certain circumstances; repealing certain exemptions for particular counties; and
12 generally relating to motor carriers and motor carrier permits.

13 BY repealing and reenacting, with amendments,
14 Article – Public Utilities
15 Section 9–201 and 9–207
16 Annotated Code of Maryland
17 (2010 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Public Utilities**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9–201.

2 (a) Except as provided in subsection (b) of this section, a motor carrier permit
3 is required for a passenger motor vehicle used in the transportation of persons for hire.

4 (b) A motor carrier permit is not required for:

5 (1) a motor vehicle used exclusively for the transportation of pupils to
6 and from public or private schools;

7 (2) a motor vehicle operated for a period of not more than 3 months in
8 any registration year in the transportation of persons employed at a cannery located in
9 a county;

10 (3) taxicabs;

11 (4) public transportation for hire authorized to operate on the
12 boardwalk in Ocean City;

13 (5) a vanpool operation as defined in § 11–175.1 of the Transportation
14 Article;

15 [(6) the public transportation system for Washington County
16 established under § 1–603 of the Code of Public Local Laws of Washington County,
17 Article 22 of the Code of Public Local Laws of Maryland;

18 (7) the public transportation system for Allegany County established
19 under § 23–24 of the Code of Public Local Laws of Allegany County, Article 1 of the
20 Code of Public Local Laws of Maryland;

21 (8) the public transportation system for Frederick County established
22 by the Board of County Commissioners for Frederick County;]

23 **(6) A LOCAL PUBLIC TRANSPORTATION SYSTEM ESTABLISHED**
24 **UNDER A LAW ENACTED BY THE LOCAL GOVERNING BODY OF A COUNTY OR**
25 **MUNICIPAL CORPORATION; ~~or~~**

26 **[(9) (7) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A**
27 **MOTOR VEHICLE USED BY A PRIVATELY OWNED TRANSPORTATION COMPANY**
28 **EXCLUSIVELY TO PROVIDE TRANSPORTATION SYSTEM SERVICES UNDER A**
29 **CONTRACT WITH THE GOVERNING BODY OF A COUNTY OR MUNICIPAL**
30 **CORPORATION OR WITH A UNIT OF STATE GOVERNMENT; OR**

31 **(8)** shuttle bus service operated by the University of Maryland,
32 College Park for students enrolled at the University of Maryland, College Park and, in
33 exchange for payment by the municipal corporation in which the University of

1 Maryland, College Park is located, transportation service on the shuttle bus to
2 residents of the municipal corporation.

3 (C) A PRIVATELY OWNED TRANSPORTATION COMPANY THAT PROVIDES
4 TRANSPORTATION SYSTEM SERVICES UNDER A CONTRACT WITH THE
5 GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION OR WITH A UNIT
6 OF STATE GOVERNMENT SHALL OBTAIN A MOTOR CARRIER PERMIT FOR MOTOR
7 VEHICLES THAT THE COMPANY DOES NOT USE EXCLUSIVELY TO PROVIDE
8 TRANSPORTATION SYSTEM SERVICES UNDER A CONTRACT WITH THE
9 GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION OR WITH A UNIT
10 OF STATE GOVERNMENT.

11 ~~(D)~~ (D) The public duties of a common carrier may not be imposed on a
12 person with respect to a vehicle for which a motor carrier permit is required under this
13 section, if the vehicle is not actually engaged in public transportation.

14 9-207.

15 (a) This section applies to a motor carrier providing transportation for hire
16 by or through contract with a public authority, or a federal, State, district, or
17 municipal transportation agency.

18 (b) A motor carrier subject to this section:

19 (1) is also subject to §§ 5-101 and 5-304 of this article; and

20 (2) EXCEPT AS PROVIDED IN § 9-201(B)(7) OF THIS SUBTITLE,
21 shall obtain a motor carrier permit under § 9-201 of this subtitle.

22 (c) A motor carrier permit issued to a motor carrier subject to this section
23 may be:

24 (1) subject to conditions under § 9-203 of this subtitle; and

25 (2) suspended, revoked, or subsequently denied under § 9-204 of this
26 subtitle.

27 (d) Except as provided in this section, the provisions of this division do not
28 apply to a motor carrier subject to this section.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2011.